

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYAN E. DENNEWITZ,

Plaintiff, :

v.

**Case No. 2:20-cv-4801
Judge Sarah D. Morrison
Magistrate Judge Preston Deavers**

**COMMISSIONER OF
SOCIAL SECURITY, :**

Defendant.

ORDER

This matter is before the Court on the Commissioner's Objections (ECF No. 24) to the Magistrate Judge's November 2, 2021 Report and Recommendation (ECF No. 23). Plaintiff responded. (ECF No. 25.)

If a party objects within the allotted time to a report and recommendation, the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court's review "is limited to determining whether the Commissioner's decision 'is supported by substantial evidence and was made pursuant to proper legal standards.'" *Ealy v. Comm'r of Soc. Sec.*, 594 F.3d 504, 512 (6th Cir. 2010) (quoting *Rogers v. Comm'r of Soc. Sec.*, 486 F.3d 234, 241 (6th Cir. 2007)); *see also* 42 U.S.C. § 405(g) ("The findings of the

Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive . . .”).

The Court has carefully reviewed the record and concludes that the decision of the Commissioner was not supported by substantial evidence and was not made pursuant to proper legal standards. The issues raised in the Commissioner’s Objection were considered and correctly addressed by the Magistrate Judge.

Accordingly, the Court **OVERRULES** the Commissioner’s Objections (ECF No. 24) and **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 23). For the reasons set forth therein, the decision of the Commissioner is **REVERSED** and this action is **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation. The Clerk is **DIRECTED** to **TERMINATE** this case from the docket of the United States District Court for the Southern District of Ohio.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE